

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>JOHN ALBERICI</b> , individually and on behalf of all others similarly situated  <b>v.</b>  <b>RECRO PHARMA, INC., GERALDINE A. HENWOOD, STEWART MCCALLUM, and JOHN HARLOW</b>	<b>CIVIL ACTION</b>  <b>NO. 18-2279</b>
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**ORDER RE SECOND MOTION TO DISMISS**

**AND NOW**, this 1st day of March, 2021, upon consideration of Defendants' Second Motion to Dismiss for Failure to State a Claim (ECF 51), as well as the Response (ECF 54) and Reply (ECF 56) thereto, and for the reasons given in the accompanying Memorandum, it is hereby ORDERED that Defendants' Second Motion to Dismiss is DENIED.

Within ten (10) days, the parties shall serve Rule 33 interrogatories, limited to identification or further details about persons, dates, or other events alleged, and also Rule 34 requests. "Contention" interrogatories are not permitted at this time.

Objections shall be served within fourteen (14) days, to be followed by a conference of counsel to resolve objections. Initial production of documents as to which there are no objections shall be discussed by counsel and be made as promptly as possible.

A Rule 16 pretrial telephone conference will be held on March 22, 2021 at 2:30 p.m. (Plaintiff's counsel will initiate and when all counsel are on the line, call Chambers at 267-299-7520). Prior to the conference, counsel shall discuss, and submit to Chambers at least 48 hours prior, either a joint proposed pretrial schedule or separate proposals concerning: completion of document production, schedule for depositions, service of expert reports and expert depositions,

Daubert motions, dispositive motions, and the parties' pretrial memoranda.

**BY THIS COURT:**

**s/ Michael M. Baylson**

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**MICHAEL M. BAYLSON**  
**United States District Court Judge**

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